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Fall 2015

MURP 6071

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University of New Orleans

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Zoning and Land Use Law

"PRO BONO PUBLICO"

COURSE SYLLABUS

(Detailed Class Requirements)

MURP 6071
Fall 2015
Thursday, 7:00 – 9:45PM
Milneberg 366

Stephen D. Villavaso, FAICP, J.D.
280-6277 (office)

I. Class Introduction and Purpose

This course is primarily designed as an introduction to and overview of legal issues relating to land use law and planning/legal matters (zoning, subdivision, takings, growth controls, etc.). I presume no prior legal background on the part of the student. As such, the course begins with a discussion of basic legal terms and concepts. The student will be required to become familiar with basic legal research and the legal materials available on the World Wide Web and in the Long Library and other law libraries of your choice. Note: Many of the cases and research materials are available on the Internet via the UNO online research tools.

Tulane and Loyola Law Schools have law libraries and it may be possible to use these facilities but no guarantees are made. Lexis Nexus is one of the available online research engines at the UNO Library website.

We will look into the actual application of land use controls, zoning regulations and legal tools and applications to solve planning problems. We will use the New Orleans Metropolitan Region as a planning laboratory and will examine practical situations to see what impact land use controls have had on certain projects. The role of the professional planner will be emphasized in many of the case examples. The emphasis will be on determining if the public welfare has been "protected" by the controls at the same time that the private landowner has been treated

equitably. Professional planning skills development will emphasize learning activities using legal tools and frameworks organized to produce a result, a plan or planning product for a relevant professional clientele, to mediate disagreements, to interpret contested purposes, and to negotiate between diverse and competing interests. Many topics will be considered in this legal framework, including housing and equal protection; the First Amendment and related issues; property rights in general and as specifically applied to “takings”; and the laws and policies relating to environmental planning and the principles and scientific support for assessing the capacity of natural and built resources.

Your ethical responsibility as a professional planner will be considered throughout this course.

In every class session, every member of the seminar is responsible for conscientiously preparing for class by reading the assigned material and actively participating in seminar discussions.

NOTE: Assignments submitted late will result in a letter grade reduction for each day beyond the due date.

NOTE WELL: PLAGARISM OF ANY KNID WILL RESULT IN A FAILING GRADE FOR THE ENTIRE COURSE. ADDITIONALLY, THE MATTER WILL BE REFERRED TO THE DEAN OF STUDENTS FOR OTHER APPROPRIATE ACTION.

II. Course Prerequisites

Graduate student at UNO, registered for course in accordance with University requirements.

III. Course Requirements

1. **Class Participation** - Be prepared at each class to discuss reading materials and brief cases as assigned. (Since attendance is required in order to participate, advance notice of any absences is appreciated.) Class Participation will count for 10% of your grade. A separate class schedule will be distributed to guide the discussions at each class meeting.
 2. **Written Brief/ Presentation** - Each student will participate in a case briefing/presentation (details to follow). A written brief will be required (details to follow). The written brief and presentation will count for a combined total of 20% of your final grade.
 3. A **Mid Term Exam** will be given in class and will count for 20% of your final grade.
 4. A **Research Paper** will be required and will count towards 20% of your course grade.
 5. A **Final Exam** will be given and will count for 30% of your final grade.
- **Note: Your final grade is indicative of your demonstration of the level of mastery that you have achieved in this topic area. It is up to you to earn that grade by demonstrating these skills.**

IV. Course Readings

The required book for this course is the first book listed. The others are extremely helpful and should be part of the library of any professional planner's library:

1. Planning and Control of Land Development: Cases and Materials, Eighth Edition, Daniel R. Mandelker, John M. Payne, et. al, Lexis Publishing, 2011. Available at UNO Bookstore or others outlets.
2. (OPTIONAL) Land Use Law in a Nutshell, 2006 or later, Robert R. Wright, West Publishing Company, latest edition. Available at UNO, Tulane, Loyola or local bookstores or online at any www book outlet.
3. (OPTIONAL) Cases and Materials on Land Use, Fifth Edition (or later), David L. Callies, Robert H. Freilich and Thomas E. Roberts, West Group, 2006. Available at Amazon and other bookstores or websites.
4. (OPTIONAL) Growing Smart, Legislative Guidebook, Stuart Meck, FAICP, General Editor, American Planning Association, January 2002. Available at the UNO Bookstore.
5. Additional cases, articles and materials to be given out in class.